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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/51/619/Add.3 and Corr.1)]

51/115. Rape and abuse of women in the areas of armed conflict in the former Yugoslavia

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Convention on the Prevention and Punishment of the Crime of Genocide,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child[6] and other instruments of human rights and

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 260 A (III).

[4] Resolution 39/46, annex.

[5] Resolution 34/180, annex.

[6] Resolution 44/25, annex.

international humanitarian law, including the Geneva Conventions of 12 August 1949[7] and the Additional Protocols thereto, of 1977,[8]

Recalling its resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity", as well as Commission on Human Rights resolution 1994/77 of 9 March 1994,[9] General Assembly resolutions 48/143 of 20 December 1993, 49/205 of 23 December 1994 and 50/192 of 22 December 1995, and relevant resolutions of the Commission on the Status of Women,

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992, in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

Welcoming the General Framework Agreement for Peace in Bosnia and Herzegovina, signed in Paris on 14 December 1995,[10] as a key mechanism for achieving a durable and just peace in Bosnia and Herzegovina,

Taking note of the previous report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in Bosnia and Herzegovina, which, inter alia, states that only sporadic cases of rape and sexual violence have occurred since the previous report of the Secretary-General,[11]

Convinced that the heinous practice of rape, in fulfilling the policy of ethnic cleansing, constitutes a deliberate weapon of war, and recalling its resolution 47/121 of 18 December 1992, in which it stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

Desirous of ensuring that persons accused of authorizing, aiding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice without further delay by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, where appropriate,

Underlining, in this context, the need for the protection of the rape victims and the provision of effective guarantees of privacy and confidentiality of the rape victims, and desirous of facilitating their

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[7] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[8] Ibid., vol. 1125, Nos. 17512 and 17513.

[9] Official Records of the Economic and Social Council, 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

[10] See A/50/790-S/1995/999; see Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995, document S/1995/999.

[11] A/50/329.

participation in the proceedings of the International Tribunal and ensuring that further traumatization will be prevented,

Deeply alarmed at the situation facing victims of rape in armed conflicts in different parts of the world and any use of rape as a weapon of war, in particular in Bosnia and Herzegovina,

Noting with appreciation the efforts of Governments and the work of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, humanitarian organizations and non-governmental organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

Welcoming the report of the Secretary-General of 25 October 1996,[12] submitted pursuant to resolution 50/192,

1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, which constitutes a war crime;

2. Expresses its outrage that the deliberate and systematic practice of rape has been used as a weapon of war and an instrument of ethnic cleansing against women and children in Bosnia and Herzegovina;

3. Reaffirms that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and calls upon States to take all measures required for the protection of women and children from such acts and to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

4. Also reaffirms that all persons who perpetrate or authorize crimes against humanity or other violations of international humanitarian law are individually responsible for those violations and that those in positions of authority who have failed to ensure that persons under their control comply with the relevant international instruments are accountable, together with the perpetrators;

5. Reminds all States of their obligation to cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 in the investigation and prosecution of persons accused of using rape as a weapon of war;

6. Calls upon States to put experts, including experts in the prosecution of crimes of sexual violence, as well as adequate resources and services, at the disposal of the International Tribunal;

7. Urges all States and relevant organizations to continue to give serious consideration to the recommendations in the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights

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[12] A/51/557.

in the former Yugoslavia, in particular the recommendation concerning provision for the continuation of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, as well as the provision of protection, counselling and support to victims and witnesses;

8. Recognizes the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, and expresses its concern, in particular, for the welfare of those victims who are currently among the internally displaced or otherwise affected by the war and who have experienced severe trauma and require psychosocial and other assistance;

9. Also urges all States and all relevant intergovernmental and non-governmental organizations, as well as the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation and to extend their support to the community-based assistance programmes;

10. Demands that the parties cooperate fully with the International Committee of the Red Cross, the United Nations High Commissioner for Human Rights, the Special Rapporteur of the Commission on Human Rights and her staff, as well as other mechanisms of the Commission on Human Rights, the United Nations High Commissioner for Refugees, the monitoring and other missions of the European Union and the Organization for Security and Cooperation in Europe, including by providing full access;

11. Encourages the Special Rapporteur to continue to pay particular attention to this question, particularly in Bosnia and Herzegovina;

12. Requests the Secretary-General to submit a report to the General Assembly at its fifty-second session on the implementation of the present resolution.

82nd plenary meeting
12 December 1996